

To Flerson County
Case Files - Civil
May 1888

Circuit Court

Box

40 Folder 5

Smith, Martha
Smith, John H.

vs

Harness, John

Debt

Debt \$563 money loaned

1
State of Missouri, County of Jefferson ss.
In the Circuit Court.

To May Term 1888.

Martha Smith and John H. Smith
her husband, Plaintiffs.
against

John Harney Defendant

Plaintiffs state that they are husband and wife; that on the tenth day of February 1887 the plaintiff Martha Smith loaned to defendant John Harney the sum of Five hundred and sixty three dollars, which said amount is still due plaintiffs and for which plaintiffs ask judgment with interest thereon from the tenth day of February aforesaid at six per cent per annum; for costs of suit and for other proper relief.

Thomas & Morine
Attorneys for Plaintiffs.

Jefferson Circuit Court
To May Term 1888.

Marcha Smith and
John N Smith her
husband. Plaintiffs
against

John Warner
Defendant

A chair for money loaned

Clerk of the process

Filed January 3rd 1888

R. D. Wagner
Clerk

Thomas & Hornes
San Pedro.

Notes for Court

306

4 22/58

Order for Income
Sustained & Control

325-

July 10/88

Brand für cost

35-5-

" 21/ "

Aus f. l. u. c.

357

Sept 12 "

276

July 15-

Mozuchy of Venice

436

25-

Order for chg of name

476

2
THE STATE OF MISSOURI, } SS.
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon.....

John Harness

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on
the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within
and for the County of Jefferson, on the *second* Monday of *May*
next, then and there to answer unto

Martha Smith & John W Smith her husband

upon *their* original petition, a copy whereof is hereunto annexed and accompanies
this writ, and have you them there this writ.

D. B. Veazey
Witness, E. THO. HORINE, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at
office in Hillsboro, this *3rd* day of

January A. D., 18*88*

D. B. Veazey, Clerk Circuit Court.

Sheriff's Return.

I hereby certify, that I served the within writ,
in the county of Jefferson and state of Missouri, on
the 6th day of January 1888, by leaving a true copy
of the ~~same~~ ^{within writ and} annexed petition; as furnished me
by the ~~circuit~~ ^{of the Circuit Court} Clerk, with a member of the family,
of the within named John. Harnefs, more than fifteen
years of age.

Fee, \$1.00

Geo. W. McFry, Sheriff of Jefferson County,
Missouri

By W. H. Jahn,
Deputy.

No 75 3347
In the Jefferson Gen Ct
to May Term 1888

Martha Smith
John H. Smith her
husband Opps

John Harnefs
vs

Action for money loaned

Original
In

Filed for record
this 23rd day of
Jan 1888
con

No. 6393 Box

Court,

Jefferson County.

Martha Smith et al
vs
John W. Smith

John W. Smith

Cause of Action for money loaned

Filed January 8th 1888
W. J. Hoag
CLERK.

Thomas W. Hoag
PLAINTIFF'S ATTORNEY.

DEFENDANT'S ATTORNEY.

LIST OF PAPERS IN THIS SUIT.

MOTION TO REQUIRE SECURITY FOR COSTS.

(Rev. Stat., Sec. 986-2868.)

No 75

Martha Smith and
Jno. H. Smith her husband Plaintiff
 AGAINST
John Harness Defendant
 In the *Circuit*
 Court
Jefferson County,
 STATE OF MISSOURI,
May Term, 1888.
 NOW COMES *the defendant by his attorneys*

and moves the Court to make a rule upon the Plaintiff in the above entitled cause, to give security for costs in said cause, for the reason following, viz:*

Because the plaintiffs are insolvent and the costs cannot be made out of them

Jos. S. Stephens &
J. F. Green
Attys for Deft

Jos. S. Stephens on his oath says that the matters stated in the foregoing motion are true to the best of his knowledge & belief

Joseph S. Stephens
Subscribed & sworn to before me May 16th 1888.

D. B. Veazey
Clerk Cir. Ct.

*For general convenience, the grounds upon which the law authorizes security to be required, are here given, as near as may be, in the language of the Statute.

First—That the Plaintiff has become non-resident since the commencement of this suit, and has ceased to reside in the State.

Second—That the Plaintiff is unable to pay the costs of this suit.

Third—That the Plaintiff is so unsettled as to endanger the officers of the Court with respect to their legal demands.—Rev. Stat., Sec. 986.

4
No. 75

In Jeff Circuit

Court

May Term, 1858

Marta Smith & Geo. M.
Smith

vs.

Plaints

John Haines

Defendant

MOTION OF

Defendant

TO REQUIRE SECURITY FOR COSTS.

Filed May 16th 1858

Robt. Hays

Clerk.

Martha Smith &
John N Smith } Just Circuit Court.
~~the husband~~ } Jefferson County Mo.
20 }
John Harness } 20 May Term 1888.

We obligate ourselves to pay
all costs which have accrued or
may hereafter accrue in said cause.

W. H. Thomas

Taken and approved by me this
10th day of July 1888

W. B. Veazey Clerk

John W Smith

no

John W. Harnes

Bank for Cash

Filed July 10th 1888
D. O. Harnes
Clerk

Martha Smith &
Mrs N. Smith her
husband

PLAINTIFFS

AGAINST

John Harner

DEFENDANT

IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, MISSOURI.

NOW COMES THE DEFENDANT AND FOR ANSWER TO THE PETITION OF THE
PLAINTIFF IN THE ABOVE ENTITLED CAUSE, DENIES EACH AND EVERY
ALLEGATION IN SAID PETITION CONTAINED, AND HAVING FULLY ANSW-
ERED PRAYS TO BE DISCHARGED WITH COSTS.

Jos. B. Stephens & J. F. Green

ATTORNEYS FOR DEFENDANT

PLAINTIFF

AGAINST

DEFENDANT

IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, MISSOURI.

NOW COMES THE DEFENDANT AND FOR ANSWER TO THE PETITION OF THE
PLAINTIFF IN THE ABOVE ENTITLED CAUSE, DENIES EACH AND EVERY
ALLEGATION IN SAID PETITION CONTAINED, AND HAVING FULLY ANSW-
ERED PRAYS TO BE DISCHARGED WITH COSTS.

ATTORNEY FOR DEFENDANT

4
Walter Smith &
Geo. W. Smith Esq
as
Geo. W. Smith Esq
Sept - 1888

Filed August 24, 1888
H. D. D. D. D.
Loren

State of Missouri, County of Jefferson
In the Circuit Court of Jefferson
County, Missouri Sept. Term
A.D., 1888.

~~Mary Ann Smith~~ and
John A. Smith her husband Plaintiffs
against
John Harness. Defendant

Now at this day comes the
Plaintiffs and for answered
petition state that they
are Husband and wife,
That on the 10th day of February
A.D., 1887 the plaintiff Martha
Smith turned over to the defendant
the sum of Five hundred
and sixty three dollars,
to be ~~used~~ invested for her
and that he failed to do
it but immediately converted
the same to his own use
whereby plaintiffs have been
damaged in the sum of
Five hundred and sixty
three dollars for which
they ask judgment

Thomas Horne
with Dining Byrnes
attys for Plaintiff

Martha Smith
Stuebans
against
Jehu Haines

Amended petition

Application for
money court

Filed Sept 12th 1888
W. D. Peasey
Clerk

Martha. Smith
& Geo. H. Smith Plffs } No 33
vs
John Harner Deft
In Circuit Court of Jeff. C. Mo.

Now comes the defendant by his attorneys
and moves the Court to strike out the
amended petition filed in this cause
for the reason following to wit.

Because the matter set out in said
petition is a departure from the cause
of action set out in the original petition
filed in the cause.

J. F. Green
vs J. S. Stephens
attys for deft.

No 33

Melantha Smith
husband
or
Ref

Geo. Harner Dep

Motion to strike out
afore said petition

Filed Sept 12th 1888
J. B. Peay
Clerk

*Walter Smith and
John W. Smith for husband*

PLAINTIFFS

AGAINST

John Hennes

DEFENDANT.

IN THE CIRCUIT COURT OF

JEFFERSON COUNTY, MISSOURI

Answered

NOW COMES THE DEFENDANT AND FOR ANSWER TO THE PETITION OF THE

PLAINTIFF IN THE ABOVE ENTITLED CAUSE, DENIES EACH AND EVERY

ALLEGATION IN SAID PETITION CONTAINED, AND HAVING FULLY ANSWERED

PRAYS TO BE DISCHARGED WITH COSTS.

Jos. J. Williams v. J. F. Green

ATTORNEY FOR DEFENDANT

Martha Smith v
Geo. H. Smith Plffs
vs

John Harness Deft

Deft's answer to
amended petition

Filed Dec. 6th 1888
D. B. Keagy
clerk

Martha Smith, and John N. Smith, Her Husband	} In the Circuit Court of Jefferson County, Missouri.
Plaintiffs,	
John Harness against Defendant	

Now at this day comes the Defendant and for answer to the amended Petition of Plaintiffs heretofore filed in the above entitled cause admit that Plaintiffs are Husband and Wife. And further answering said amended Petition of Plaintiffs Defendant denies each and every allegation in said amended Petition contained except said allegation by which it is alleged that the Plaintiffs are Husband and wife. And having answered fully prays to be Discharged.

Jo. J. Williams
with J. H. Green
Attorneys for Defendant.

Maria Smith
8 John N. Smith
Her Husband

vs
John Hareely

Answer to the
amended
Petition of
Smiths

Filed Dec. 8th 1888

W. B. Mearns
Clerk

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Lifftown

} ss.

No. *20*

THE STATE OF MISSOURI, To

*Wm. A. Allen**Attorney**Simon Stewart Heyl Barnes, Thos. Barnes
John Barnes Jr Wm Sullivan**You are Hereby Commanded,* That setting aside all manner of excuse and delay, you be andappear in proper person, before the Judge of our Circuit Court, at the Court House in the town
of *Stella* for

within and for said County, on

*Wednesday*the *16th* day of*January*A. D. 188*9*, then and thereto testify and the truth to speak, in a certain matter of controversy now pending in our said Court,
wherein *Martha Smith et al* are Plaintiff's,and *John Barnes* is Defendant,on the part of said *defendant*, and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the
time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in *Stella* in said County, this*2nd* day of *January* A. D. 188*9**Wm. H. Young* CLERK.By *Wm. H. Young* DEPUTY CLERK.

SUBPENA.

No. 20

CIRCUIT COURT

Of _____ Co., Mo.,

Term, 1889

Martha Smith et al

vs. Damages for
Conversion

John Harness

PLAINTIFFS

DEFENDANTS'

WITNESSES.

Day of Trial January 16th / 89

H. W. Alderson

Simon Stewart not found

Alec Harness

Thos. Harness

Jno. Harness Jr

H. W. Sullivan

FEE, \$ 2.25

RETURN.

I hereby certify that I served the within Writ in the County of _____
and State of Missouri, on the _____ day of _____, 1889, byreaching The same in the Cheering and presence of the undersigned
named John Harness Thomas Harness & Long Harness
and Stewart not found. William AldersonE. B. Macpherson
By Ed. Forrest et al

Martha Smith &
Jno. N. Smith

Depts

John Harness

Deft

In Circuit Court of Jefferson
County Mo.

State of California, City and County of San Francisco } ss.

John Harness the defendant in the above
entitled cause on his oath says that
that he verily believes that the inhabitants
of Jefferson County Missouri are so pre-
judiced against him, ~~and~~ that he cannot
have a fair trial of the above cause
in said County of Jefferson and affiant fur-
ther states that he became possessed of the
knowledge and information as to such pre-
judice since the last adjournment of
the Circuit Court of Jefferson County Mo,
viz about the 1st day of October 1888.

John Harness

Subscribed & sworn to before me this
3^d day of January A.D. 1889

Henry M. McGill

Notary Public
San Francisco Cal

W. Smith vs W. Smith
214

vs
John Harness
deft

Application for change
of venue

Filed Jan 15/1889
W. D. Nease
clerk

Martha Smith et al } Action for money
 vs } loaned
 John Harness

Bill of costs

D. B. Veazey to lend

11 files ⁵⁵ /60	Cost ³⁰ /copy pit ²⁵ /c & ⁵⁰ /	1.60	
Summons ⁵⁰ /copy ¹⁰ /c & ⁵⁰ /	1 spa ²⁵ /	1.85	
Motion for security ²⁰ /	Mo. Sustd ³⁰ /	.50	
Order file bond ²⁰ /	2 bond ⁵⁰ /	.70	
Bona ⁵⁰ /	Ans ³⁰ /	Amend pit ³⁰ /	1.10
Motion to strike out ²⁰ /	Mo. overruled ³⁰ /	.50	
Leave to file Amend pit ⁵⁰ /	Leave to file Ans ³⁰ /	.60	
Mo. for chg of venue ²⁰ /	Chg. of venue granted ³⁰ /	.50	
Fee bill ¹⁰ /	Making cost ²⁰ /	Copy ²⁰ /	.50
Transcript on Chg of venue 2500 w/fg cts	4.25	<u>\$12.70</u>	

Geo. W. McFry Sheriff
 Serving Summons

1.00

E. B. Maupie Sheriff
 4 sps ²⁰⁰/1 month ²⁵-

2.25

Witness

William Sullivan 1 day ¹⁰⁰/32 miles ⁶⁰

2.60

\$17.95

Attest D. B. Veazey to lend
 by

Feb 11/89

By cash pd by Drft for transcript

4.25

Not

\$13.70

John Harners 1 day 26 miles 2.30

Thos. Harners 1 " 26 " 2.30

Alcy Harners 1 " 26 " 2.30

6.90

\$20.60

28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Martha French's box

John Thomas

Bill of lard

Julia July 11/1889
Bridget
can